

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (RCC)
ECF Case

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CANTOR FITZGERALD & CO., et al.,

Plaintiffs,

04 CV 7065 (RCC)
ECF Case

v.

AKIDA BANK PRIVATE LIMITED, et al.,

Defendants.
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AFFIDAVIT OF JONATHAN M. GOODMAN

I, JONATHAN M. GOODMAN, having been duly sworn, depose and say:

1. I am an attorney admitted to practice before this Court and am associated with Dickstein Shapiro Morin & Oshinsky LLP, 1177 Avenue of the Americas, New York, New York 10036-2714, counsel to plaintiffs Cantor Fitzgerald & Co. and the Port Authority of New York and New Jersey, and their affiliates, in this action. I submit this affidavit in support of plaintiffs' Memorandum in Opposition to Dallah Al Baraka's Motion for Leave to File its Motion to Dismiss Out of Time. This affidavit is based on my personal knowledge, except where otherwise noted.

2. Attached hereto as Exhibit 1 is a true and correct copy of an email dated May 4, 2005 from Christopher Brown, Esq. to Stacey Saiontz, Esq.

3. Attached hereto as Exhibit 2 is a true and correct copy of an email dated May 10, 2005 from Ms. Saiontz to Mr. Brown.

4. Attached hereto as Exhibit 3 is a true and correct copy of a letter dated April 6, 2005 from Martin McMahon, Esq. to Kenneth Adams, Esq. I have been advised that, although “dated” April 6, 2005, this letter actually was postmarked on May 11, 2005 and was received by this firm on May 13, 2005, as is reflected by the contemporaneous notations on Exhibit 3.

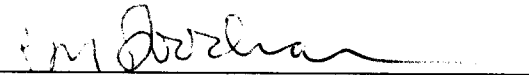
5. Attached hereto as Exhibit 4 is a true and correct copy of an email dated May 24, 2005 from Mr. Brown to Ms. Saiontz.

6. Attached hereto as Exhibit 5 is a true and correct copy of a letter dated June 7, 2005 from me to Martin McMahon, Esq..


7. In response to the June 7, 2005 letter, defendants’ counsel Chris Smith called me and asked about the proposed timing of plaintiffs’ three opposition papers, as set forth in the letter, and the overall briefing schedule on these motions. I explained the parties’ prior agreement, with which Mr. Smith was not familiar, and asked whether defendants would agree to the briefing schedule proposed in the June 7 letter.

8. Mr. Smith called me back and advised that Dallah planned to file its Motion for Leave within minutes of our conversation. Mr. Smith stated that he believed plaintiffs had extended Dallah’s deadline to June 3. I advised Mr. Smith that the parties had never reached such an agreement.

9. Attached hereto as Exhibit 6 is a true and correct copy of a Stipulation and Order Amending the Briefing Schedule for the Motions to Dismiss Pertaining to Saleh Kamel and Al Baraka Investment and Development Corporation, dated February 1, 2005.


Jonathan M. Goodman

Sworn to and subscribed
Before me this 13th day of June, 2005


Notary Public

KENNETH H. FRENCHMAN
Notary Public, State of New York
No. 02FRENCH2776
Qualified in Westchester County
Commission Expires 12/20/06

My commission expires: _____